

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, August 22, 2018

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Present:** Chair Mandal, Commissioners Moshin, Maglalang, Morris
Absent: Sandhu (excused), Ciardella (excused), Chua (unexcused)
Staff: Jessica Garner, Heather Lee, Michael Fossatti, Elizabeth Medina
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** noted that approval of the August 8, 2018 minutes will be skipped this evening. Acting Planning Director, Ms. Garner noted they will be available to be approved at the next Planning Commission meeting.
- V. ANNOUNCEMENTS** **Acting Planning Director Jessica Garner** introduced new permanent staff member, Administrative Assistant, Elizabeth Medina. Ms. Medina will be replacing previous Planning staff member, Elia Escobar, and will be the Planning Commission Secretary at meetings. Ms. Garner also reminded the Planning Commission to maintain their City calendars, updating any City related appointments, meetings, public events, speaking engagements, meeting with consultants, regional meetings, etc.
- VI. CONFLICT OF INTEREST** **Deputy City Attorney Heather Lee** asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.

There were no reported conflicts.
- VII. APPROVAL OF AGENDA** **Chair Mandal** asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the August 22, 2018 agenda as submitted.

Motion/Second: Commissioner Mohsin/Commissioner Morris
AYES: 4

IX. PUBLIC HEARING

IX-1 NEW MULTI FAMILY APARTMENT COMPLEX –MAIN STRETT MILPITAS- 1380-1400 S. Main Street: General Plan Amendment (P-GP17-0001), Specific Plan Amendment (P-ST17-0002), Zoning Amendment (P-ZA17-0002), Site Development Permit (P-SD17-0013), Conditional Use Permit (P-UP17-0018), Density Bonus (P-DB17-0002), Lot Combination (E-LC17-0002), Environmental Assessment (P-EA17-0005). An application for a General Plan Amendment, Specific Plan Amendment, Zoning Amendment, Site Development Permit, Conditional Use Permit, Density Bonus, Lot Combination, and adopting an addendum and findings of exemption pursuant to California Environmental Quality Act, Pub. Res. Code 2100, et Seq., for the construction of a seven story, 85-foot tall, 220 unit apartment complex with 10 dwelling units for very low income households.

Project Planner Michael Fossatti showed a presentation and discussed the project. Mr. Fossatti let the Planning Commission know that Applicant is in attendance this evening and would also like to present to the Commission. Chair Mandal would like Planning Commission to ask staff questions first and, thereafter, if the Planning Commission still has questions, he can invite the Applicant to present.

Commissioner Morris asked questions in regards traffic flow to the garage. Although the project includes more than the minimum requirement of parking spaces, as well as parking for different modes of transportation (bikes/motorcycle), she expressed concern about parking in the streets. Inquired if outside of the 10 units designated for low-income; if other units will be market rate. Suggested to consider for more of the units to be allocated for low income.

Commissioner Maglalang inquired on how many TASP homes have been approved at this moment and he asked if there is any street parking for this project. He asked for clarification of “short-term” parking and the challenged the required (289) vs. planned (323) parking spaces of project vs. his own calculations. Mr. Maglalang asked of the height of project against neighboring properties as well as verified the amount of units that will be allocated for low income.

Commissioner Morris verified if the other units outside of the low income units will be at market rate. Mr. Fossatti noted that the 10 allocated units will be designated as “very” low income not low income.

Commissioner Maglalang asked about lease hold timespan. Mr. Fossatti informed him that this project is a rental property, not for-sale units; and, the lease hold timespan in California is 55 years.

Chair Mandal asked what is the square footage of the micro retail area and wanted to learn more about the pedestrian friendly area. He also wanted to know if the property’s amenities will be available to just residents or to the whole community and how it will enhance the environment. Mr. Fossatti noted that the amenities are accessible to the public, and the property would not be maintained by City but by the property managers. Mr. Mandal also inquired where extra cars would park; cars of those visiting the property, vehicles of local safety agencies. Mr. Mandal also

asked about electric car parking stations. He inquired on how the 5% allocated for low income units is calculated and feels that percentage is not enough. Chair Mandal wanted an explanation regarding the frontyard set back and asked if this project will be the tallest in the City.

Commissioner Morris inquired if applicant only requested a higher density so the Applicant can provide affordable housing.

Commissioner Maglalang again inquired about TASP and the minimum requirements of parking.

Chair Mandal invited Applicant, The Core Companies to present to Planning Commission.

Commissioner Morris asked Applicant what is the object of including low income/affordable rentals for this project. She also inquired if there is any way to increase the volume of affordable units. Applicant informed the Commission of the financing process of properties and if more affordable units were to be included, additional funding will have to come from another resource (i.e. the City).

Commissioner Maglalang thanked the Applicant for having interest in building & investing in the City of Milpitas. He clarified if their purpose of including just the minimum (10) of low-income/affordable units was to increase the higher density calculation to include (18) more market rate units. Commissioner Maglalang highly recommended of the additional (28) units to increase low-income to market rate to 50/50. Applicant referenced the CA Density Bonus Law and noted that in order to get a return and finance this project they will have to pursue project as presented. Applicant also noted that the projected units have gone through several scenarios before finalizing Plans so it will be both efficient and beneficial for the City.

Chair Mandal asked Applicant where their other projects are located. Applicant states they have a completed project near the Berryessa BART station, off of 10th Street in San Jose, and in Santal Clara off of El Camino Real. Chair Mandal asked who will manage the property once completed. Applicant said the The Core Companies plans to own it and will hire a property manager. Lastly, Chair Mandal asked if the micro retail areas will be available to public. Applicant said aside from leasing office, the micro retail area will be open to the community.

Chair Mandal opened the public hearing.

First to the podium were Milpitas Unified School District Superintendent, Cheryl Jordan and MUSD Board President, Dan Bobay. Ms. Jordan stated that although the project looks exciting, one of her responsibilities is to provide safe and secure buildings for the students of Milpitas to learn and prosper. She said demographer from the District projected that 40+ students (different grade levels) will be housed by this project. She feels the new development fees (\$4.34/sq ft) totaling over \$1M is not nearly enough to accommodate the number of classrooms that will be needed for the students; noting that a portable classroom costs over \$400,000. Ms. Jordan requested that the Commission recommend to the City Council for the Developer to conference with the District on mitigation plans to ensure that the students from the new property will have adequate classrooms to learn in. Mr. Bobay outlined that although the developer says \$1M will be coming to the school district, he stated that the most recent elementary school, Mabel Mattos has put the school district \$54M in the hole. A bond placed on the ballot will to help make up the deficit. Mr.

Bobay stated that unfortunately it is on the back of the citizens of Milpitas. He also said that for the past 14 years developers have not provided schools or parks. Mr. Bobay said that it starts with the Planning Commission and it ends with the School District. Mr. Bobay requested that the Superintendent to put on the next agenda a plan to undesignate areas that are incomplete as far as construction, new projects until the District gets a response from City Council or Planning Commission or from our Developers to sit down and work with them to make sure that in the future that if we need a school, they are built, and not on the back of the citizens of Milpitas.

Sam Kirk an experienced teacher at MUSD that was recruited and has relocated from Houston Unified School District has found it has been a struggle to move here. His main struggle is to find affordable housing.

Business owner, Murati Kumar of Stepping Stones Preschool is concerned that it will be a year long project with noise and dust. He is also worried that if the 15 foot wall that is adjacent to his preschool is demolished, it will affect the operation of his business.

Kathy Northum, Health & Housing Associate for Silicon Valley Leadership Group expresses enthusiastic support for this project. Ms. Northum states the 220 apartment units will help with the current housing crisis.

James Burke, represents the Holland Family, seller of the land. Mr. Burk read a letter written by his fiancé, Mary Holland on behalf of the Holland Family to the Planning Commission. The letters asked for the support of the Planning Commission for this project.

Business owner, Don Peebles spoke on many reasons on why he supports this project (i.e. location, the need how density housing, and how it should not affect traffic with it be located close to freeways and public transportation).

Stacy Bross, resident of the Pines, sees positives in this the project but still thinks there is not enough parking, not only in the Pines but in the Transit Specific Areas. She asked the Commission to pause, not approve this project until the parking situation is taken care of.

Michael Tsai, Pines resident, Founder of organization South Bay YIMBY, General Plan Advisory Committee member agreed with Don Peebles on how this Project will add vitality to the Main Street area with minimal impact to traffic. He said there is a need for housing. Ms. Tsai asked for Commission to please approve this Project.

Chair Mandal closed the public hearing.

Chair Mandal asked Staff about what was discussed regarding parking in the City Council meeting. Ms. Garner stated that at last night's City Council meeting a 6-month pilot for residential parking permit program within the Pines was proposed. The City Council has approved and asked Staff to move forward with developing that program. This permit program will be launching soon. Chair Mandal inquired if the 15 foot wall adjacent to Stepping Stone Preschool will stay during construction. Mr. Fossati noted that construction would need to be approved before discussing if the 15 foot wall will be demolished. Chair Mandal said it is really great to have the Superintendent and Board Member from the District here this

evening as he holds education very close to his heart; and clarified with City Attorney Heather Lee if the Planning Commission has prerogative in terms of the fees. Ms. Lee confirmed fees are State mandated and there are no local jurisdiction in regards to fees.

Commissioner Morris questioned what conversations were had with the School District regarding this current project. Mr. Fossati said the Applicant held a meeting prior to this evening at Zanker Elementary to prompt discussion with the neighborhood of any concerns regarding the proposed project. Ms. Morris asked if Applicant is willing to discuss with the School District the students this property will bring to the school district and if they are willing to work with our community.

Commissioner Moshin asked if the property will have generators in case of emergency. Applicant nodded his head. Ms. Moshin understands we are in desperate need of housing in this area. Because of the many students in our schools, she hopes in the future we can ask builders to come together to get this school issue resolved. She appreciates the design of the project, its location, the many amenities it includes. Ms. Moshin is very happy with this project.

Commissioner Magladang asked if it is a standard procedure that the School District is well informed when projects are proposed. Mr. Fossati stated that although the City has a very good relationship with the School District, it is not apart of the SOP to include them. Mr. Fossati said that this is something he can discuss with the Planning Director, Planning Manager and City Manager.

Commissioner Moshin remembers early on of informing school district when a new project comes to the City.

Chair Mandal again invited Applicant to podium.

Commissioner Morris asked Applicant if they are willing have a discussion with Milpitas Unified School District, addressing some of their concerns regarding this project. Applicant is willing to talk with them. Applicant said that MUSD was well aware of this project over 10 years ago. Applicant just learned that the School District had a problem with the Project yesterday. Morris is excited about the project and is pleased that the Applicant is willing to meet with the School District to address concerns.

Mr. Fossati stepped up to podium and answered Ms. Morris' inquiries regarding communication with the School District when a project is being built. He revisited the EIR and TASP procedures.

Commissioner Maglalang again asked if it is fair that with the density bonus units, that the developer consider 50% market rate, 50% affordable housing. With a total of 28 units, 18 are designated at market rate and 10 at affordable housing. It will work out (on Mr. Maglalang's behalf) if Applicant changes the affordable units from 10 to 14., then he would approve this project.

Motion to Adopt Resolution No. 18-015 recommending City Council approve General Plan Amendment (P-GP17-0001), Specific Plan Amendment (P-ST17-0002), Zoning Amendment (P-ZA17-0002), Site Development Permit (P-SD17-0013), Conditional Use Permit (P-UP17-0018), Density Bonus (P-DB17-0002), Lot Combination (E-LC17-0002), Environmental Assessment (P-EA17-0005), subject to the attached Conditions of Approval.

Commissioner Morris would like to add to the Condition of Approval; that the Applicant work with Staff and the School District regarding needs from MUSD.

Motion/Second: Commissioner Mandal/Commissioner Moshin

AYES: 3

Abstain: 1 (Maglalang)

NOES: 0

X. NEW BUSINESS

NO ITEMS

XI. ADJOURNMENT

The meeting was adjourned at 8:58 PM.

Motion to adjourn to the next meeting.

Motion/Second: Chair Morris/Commissioner Mohsin

AYES: 4

NOES: 0

*Meeting Minutes submitted by
Planning Commission Secretary Elizabeth Medina*